

LAW OFFICES  
**KOTEEN & NAFTALIN, L.L.P.**  
1150 CONNECTICUT AVENUE  
WASHINGTON, D.C. 20036-4104

BERNARD KOTEEN\*  
ALAN Y. NAFTALIN  
ARTHUR B. GOODKIND  
GEORGE Y. WHEELER  
MARGOT SMILEY HUMPHREY  
PETER M. CONNOLLY  
CHARLES R. NAFTALIN  
GREGORY C. STAPLE  
R. EDWARD PRICE  
JULIE A. BARRIE  
\* SENIOR COUNSEL

TELEPHONE  
(202) 467-5700  
TELECOPY  
(202) 467-5915

April 15, 1999

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APR 15 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

John I. Riffer, Esquire  
Office of General Counsel  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D. C. 20554

Re: *Algreg Cellular Engineering, et al.*  
CC Docket No. 91-142

Dear Mr. Riffer:

The purpose of this letter is to request an immediate meeting, to which all parties to the above-referenced case, and all other persons who have sought party status, would be invited, to discuss the posture of the case in the light of the filings that were made on February 5, 1999.

As you know, following the Commission's June 3, 1997 *Memorandum Opinion and Order*, 12 FCC Rcd 8148 (the "*Order*"), a large number of petitions for reconsideration and other filings were submitted to the Commission in the above proceeding. According to our count, five petitions for reconsideration and more than 35 additional filings were submitted between July 3, 1997 and January 11, 1999.

As a consequence of the February 5, 1999 filings, the issues in the case have, we believe, been simplified and it should be possible for the Commission to issue orders promptly to dispose of all matters except for the unique issues relating to the qualifications of Alee Cellular Communications. In view of the very long time this proceeding has taken already, it is in the public interest as well as the interest of the parties to resolve the issues in this proceeding as soon as possible. We would like an opportunity to explain why we think the proceeding is now suitable for ready resolution, and why certain procedural actions, such as severance, are appropriate. The meeting would also provide us an opportunity to answer any questions the Commission may have.

The reasons why we believe the proceeding has now been simplified are, in brief, as follows:

1. All of the permittees and licensees in this proceeding have now concluded

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settlement agreements with the Party Petitioners.<sup>1</sup> Those settlement agreements look toward actions with respect to the licenses and applications in this proceeding which are the same as the Commission reached in its June 3, 1997 *Order*.

2. Excluding the Alee petition for reconsideration of the revocation of its license, the only challenges to the *Order* still before the Commission were filed by the Carroccio Group and the Cole Group. The permittees and the licensees have requested the dismissal of these pleadings as inexcusably late and procedurally defective.<sup>2</sup>

In sum, the Commission need only act on the February 5, 1999 filings, which stand unopposed, and affirm the holdings of the *Order* without the delay required by a new consideration of the merits.

If you or someone in your office will advise Alan Y. Naftalin of Koteen & Naftalin regarding the date and time of the meeting, he will undertake to advise all other counsel.

Very truly yours,

By E. Ashton Johnston  
Carl W. Northrop  
E. Ashton Johnston

By Alan Y. Naftalin  
Alan Y. Naftalin

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<sup>1</sup> By Party Petitioners we mean the petitioners which were made parties by the Hearing Designation Order or the Administrative Law Judge and have participated in the case from its inception: Applicants Against Lottery Abuse, Buckhead Cellular Communications Partnership, Cellular Applicants' Coalition, Miller Communications, Inc. and Skywave Partners, Inc., Thomas Domencich, Committee for a Fair Lottery, and ZDT Partnership. We distinguish them from the "Joint Petitioners," represented by A. Thomas Carroccio (the "Carroccio Group"), and Castle Trust, *et al.*, represented by Harry F. Cole (the "Cole Group"), which first sought to enter the proceeding on July 3, 1997 and May 26, 1998, respectively.

<sup>2</sup> The Carroccio Group filed a petition for reconsideration on July 3, 1997, without having participated in the hearings or the subsequent proceedings before the Review Board and the Commission. The Cole Group filed, as their first submission in this proceeding, a "Statement for the Record" on June 26, 1998, almost a year after the deadline for petitions for reconsideration, and after having had their appeals of the *Order* dismissed by the United States Court of Appeals for the District of Columbia Circuit.

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By Barry Gottfried  
Barry Gottfried

By David J. Kaufman  
David J. Kaufman

By Donald J. Evans  
Donald J. Evans

By John P. Bankson, Jr.  
John P. Bankson, Jr.

By Richard S. Myers  
Richard S. Myers

By Larry S. Solomon  
Larry S. Solomon

By James F. Ireland, III  
James F. Ireland, III

By David L. Hill  
David L. Hill

By William E. Zimsky  
William E. Zimsky

By Stephen Kaffee  
Stephen Kaffee

Counsel for Party Petitioners, Licensees and Permittees

cc (by hand): A. Thomas Carroccio, Esquire  
Harry F. Cole, Esquire  
William J. Franklin, Esquire